

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN**

**TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929**

**OP.No. 17838 of 1995(W)**  
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**PETITIONER:**  
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**THE CATHOLIC SYRIAN BANK LTD., A COMPANY INCORPORATED  
UNDER THE COMPANIES ACT, 1956 WITH ITS HEAD OFFICE AT  
TRICHUR AND BRANCHES AT MANGALORE, ERNAKULAM AND  
OTHER PLACES, REP. BY CHIEF MANAGER (LAW)  
SRI. M.C. CHERIAN.**

**BY ADV. SRI.V.O.JOHN**

**RESPONDENTS:**  
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- 1. M/S. EAGLE DISTILLARIES (P) LTD., A COMPANY REGISTERED  
UNDER THE COMPANIES ACT, 1956, WITH ITS REGISTERED  
OFFICE AT 8/21A, MAIN ROAD, GANGENHALLI, BANGALORE-  
560 032, REP. BY MANAGING DIRECTOR SRI. K.T.ABRAHAM.**
- 2. AIR CMDE.K.T.ABRAHAM, MANAGING DIRECTOR,  
EAGLE DISTILLARIES PVT.LTD., REGISTERED OFFICE AT  
8/21A, MAIN ROAD, GANGENHALLI, BANGALORE -560 032.**
- 3. THE KERALA STATE BEVERAGES (MANUFACTURING AND  
MARKETING CORPORATION) LTD., TRIVANDRUM BY ITS  
MANAGING DIRECTOR.**
- 4. THE STATE OF KERALA, REPRESENTED BY ITS CHIEF  
SECRETARY TO THE STATE, SECRETARIAT, TRIVANDRUM.**

**BY ADV. SRI.C.J.BALAKRISHNAN  
SRI.K.P.DANDAPANI**

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD  
ON 24/07/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**ORDER ON C.M.P.NO.32398/1995 IN O.P.NO.17838/1995 W**

**DISMISSED**

**24/07/2007**

**SD/- THOTTATHIL B.RADHAKRISHNAN,JUDGE**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

**EXT.P1: COPY OF THE AGREEMENT DTD. 10/07/85 ALONG WITH THE STOCK STATEMENT.**

**EXT.P2: COPY OF THE STOCK STATEMENT DTD. 18/03/1989.**

**EXT.P3: COPY OF THE LETTER DTD. 2/02/94 ISSUED BY THE BANK TO THE 3RD RESPONDENT.**

**EXT.P4: COPY OF LETTER DTD. 24/10/94 ISSUED BY THE BANK TO THE 3RD RESPONDENT.**

**/TRUE COPY/**

**P.A.TO JUDGE**

*Kss*

**THOTTATHIL B.RADHAKRISHNAN, J.**

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O.P.No.17838 OF 1995  
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Dated this the 24<sup>th</sup> day of July, 2007

**JUDGMENT**

Ext.P2 is an open loan stock statement which shows that various commodities of IMFL are held under hypothecation in a bonded warehouse. Petitioner seeks a direction to the third respondent to take possession of the IMFL detailed in Ext.P2, dispose it off and pay the proceeds to the petitioner.

Having heard learned counsel for the petitioner and learned Government Pleader, this writ petition is disposed of directing that the third respondent will cause an inspection of the site, in relation to which Ext.P2 is issued, with the junction of a competent abkari officer and take appropriate action for disposal of the materials enlisted in Ext.P2, in accordance with law, on their being available for disposal. The petitioner is directed to produce a copy of this judgment before the competent abkari officer.

Sd/-

**THOTTATHIL B.RADHAKRISHNAN,  
Judge**

k kb.

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THOTTATHIL B. RADHAKRISHNAN, J

O.P.NO.17838 OF 1995

JUDGMENT

24TH JULY, 2007.

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